

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

AETC II PRIVATIZED HOUSING, LLC;
HUNT AETC II COMMUNITIES, LLC,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA,

Defendant.

No. 22-345 C**MOTION FOR LEAVE TO FILE UNDER SEAL**

Pursuant to Rule 5.2(e) and Paragraph 11 of Appendix E to the Rules of the United States Court of Federal Claims (the “RCFC”), Plaintiffs AETC II Privatized Housing, LLC and Hunt AETC II Communities, LLC move for leave to file their Complaint, Complaint exhibits, and Rule 7.1 financial disclosure statement under seal.

Plaintiffs file this Motion along with their Complaint, which challenges the Government’s decision to deny their certified contract claim seeking to recover damages incurred as a result of the Government’s unilateral reduction of the Basic Allowance for Housing pursuant to the National Defense Authorization Act of 2015. Plaintiffs prepared their Complaint such that it can be made publicly available on the Court’s docket. However, the Complaint includes several exhibits to support its allegations that contain proprietary and confidential information. Specifically, exhibits 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 to the Complaint are contractual documents relevant to this dispute, as well as a complete version of Plaintiffs’ certified claim, which similarly appends portions of these agreements and Plaintiffs’ preliminary financial analysis of their contractual damages. These exhibit agreements contain detailed information on contractual terms based on competitive proposal submissions. They also contain negotiated provisions in a variety of areas

related to Plaintiffs' ownership and operation of the privatized military housing project at issue in this dispute, including terms reflecting competitively sensitive financial, commercial, operational, and decisional information. Plaintiffs provided such information to the Government under the expectation of confidentiality during the procurement and contract negotiation process, and Plaintiffs continue to closely hold such information and treat it as proprietary and confidential. Plaintiffs' certified claim likewise was submitted to the Government under the expectation of confidentiality, and it was marked as propriety and confidential by Plaintiffs at the time of submission. Accordingly, Plaintiffs submit that good cause exists for their Complaint and these Complaint exhibits to be filed under seal.¹

Plaintiffs additionally request leave to file their Rule 7.1 financial disclosure statement under seal. In accordance with RCFC Rule 7.1, Plaintiffs have prepared the required disclosures to provide the Court with detailed information on their parent corporations, which reveals a detailed and complex corporate structure of non-public companies. Plaintiffs closely hold such corporate structure information and treat it as proprietary and confidential, and Plaintiffs would not disclose such information if not required by the Court's rules. Accordingly, Plaintiffs submit that good cause exists for their Rule 7.1 financial disclosure statement to be filed under seal.

WHEREFORE, Plaintiffs respectfully request that, for good cause shown, the Court grant this Motion for Leave to File Under Seal to allow Plaintiffs to file their Complaint, Complaint exhibits, and Rule 7.1 financial disclosure statement under seal.

¹ As noted above, Plaintiffs prepared their Complaint such that it can be released publicly. Consequently, Plaintiffs have included with their filings a proposed redacted version of their Complaint that proposes no additional redactions, as well as copies of the other Complaint exhibits that do not contain any proprietary or confidential information, so these documents can be included on the Court's public docket.

Respectfully submitted,

s/ David R. Johnson

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